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MERCK & CO., INC. and Defendants and Counterclaimants  
MERCK SHARP & DOHME CORP. and ISIS PHARMACEUTICALS, INC.

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

GILEAD SCIENCES, INC.,

Plaintiff and Counterdefendant,

v.

MERCK & CO., INC. (Defendant only), MERCK  
SHARP & DOHME CORP., and ISIS  
PHARMACEUTICALS, INC.

Defendants and Counterclaimants.

Case No. 5:13-cv-04057-BLF

**VERDICT FORM AS MODIFIED AT MARCH  
18, 2016 CHARGE CONFERENCE**

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We, the jury, unanimously agree to the answers to the following questions and return them under the instructions of this Court as our verdict in this case.

1. What have Merck and Ionis proved they are entitled to as a reasonable royalty for Gilead's sales of Sovaldi® and adjusted sales of Harvoni® through December 31, 2015?
  - a. Rate: %
  - b. Total sales: \$
  - c. Total damages through December 31, 2015 (calculated by taking the total sales from 1(b) multiplied by the rate percentage from 1(a)):

You have now reached the end of the verdict form and should review it to ensure it accurately reflects your unanimous determinations. The Presiding Juror should then sign and date the verdict form in the spaces below and notify the Security Guard that you have reached a verdict. The Presiding Juror should retain possession of the verdict form and bring it when the jury is brought back into the courtroom.

Dated: March \_\_\_\_\_, 2016

\_\_\_\_\_  
Presiding Juror